IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

RSA.No. 288 of 2005(A)

AS.610/2003 of DISTRICT COURT, THRISSUR
OS.18/1996 of MUNSIFF COURT, KODUNGALLUR

APPELLANT: APPELLANT/PLAINTIFFS

1. SMT.K.K.ADIMA, W/O.LATE AYYAPPAKUTTY,
   MUTTAATCH HOUSE, X/58, ERIYAD GRAMA PANCHAYAT,
   ERIYAD VILLAGE, KODUNGALLUR TALUK.

2. K.B.ABU, S/O.BEERAN, KALLUNGAL HOUSE,
   X/59, ERIYAD GRAMA PANCHAYATH, ERIYAD VILLAGE,
   KODUNGALLUR TALUK.

3. CHOTHI, S/O.VALLON, NONGATHURUTHI HOUSE,
   X/61, ERIYAD GRAMA PANCHAYAT, ERIYAD VILLAGE,
   KODUNGALLUR TALUK.

4. K.K.KRISHNANKUNJU, S/O.KUNJUNNI,
   KUNJUMAKKANPURAKKAL HOUSE, X/129,
   ERIYAD GRAMA PANCHAYTH, ERIYAD VILLAGE,
   KODUNGALUR TALUK.

5. K.R.KAUSALIYA, W/O.LATE ARANMULA, PONATH HOUSE,
   X/136, ERIYAD GRAMA PANCHAYAT, ERIYAD VILLAGE,
   KODUNGALLUR TALUK.

6. KADEEJABI, W/O.M.M.ABDULKADER,
   MANDAIPURATH HOUSE, X/142, ERIAYAD GRAMA
   PANCHAYAT, ERIYAD VILLAGE, KODUNGALUR TALUK.

7. SMT. KADEEJA,
   W/O.LATE MOHAMMADUNI, MANDAIPURATH HOUSE,
   X/142, ERIYAD GRAMA PANCHAYAT, ERIYAD VILLAGE,
   KODUNGALLUR TALUK.

8. E.R.KRISHNAN, S/O.RAMAN,
   ERINGATHURUTHY HOUSE, X/144, ERIYAD GRAMA
   PANCHAYATH, ERIYAD VILLAGE, KODUNGALLUR TALUK.

9. SMT.SAIDA MAJEED, W/O.MAJEED,
   VYPINKATTIL HOUSE, X/146, ERIYAD GRAMA
   PANCHAYAT,ERIYAD VILLAGE, KODUBNGALLUR TALUK.

10. SMT.K.K.KALI, W/O.AYYAPPAKUTTY,
    PARASSERY HOUSE, X/148, ERIYAD GRAMA PANCHAYT,
    ERIYAD VILLAGE, KODUNGALLUR TALUK.

11. N.M.SAINABA, W/O.LATE AMMUKUNJU,
    THATTAMPARAMBIL HOUSE, X/155, ERIYA GRAMA
    PANCHAYAT, ERIYAD VILLAGE, KODUNGALLUR TALUK.

12. MOIDEEN, S/O.LATE MOHAMMADUNNI,
    X/143, ERIYAD GRAMA PANCHAYT,
    ERIYAD VILLAGE, KODUNGALLUR TALUK.

BY ADV. SRI.P.CHANDRASEKHAR

RESPONDENTS: RESPONDENT/DEFENDANTS

1. DR.MUHAMMED SAGHEER,
   AYYARIL KARIKULAM HOUSE, AZHIKODE P.O.,
   KODUNGALLUR.

2. ABDUL KAREEM, S/O.ABU,
   CHEERADY HOUSE, P.O.ERIYAD, KODUNGALUR.

3. ABIDA, W/O.ABDUL KAREEM,
   CHERADIYIL HOUSE, IRINJALAKUDA VILLAGE,
   MUKUNDAPURAM TALUK.

4. ALI MOHAMMED, S/O.ABDULLA,
   MANNATHARA HOUSE, ERIYAD VILLAGE,
   KODUNGALLUR TALUK.

BY

THIS REGULAR SECOND APPEAL HAVING COME UP FOR ORDERS ON 10/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J.

C.M.APPL. NO. 205 OF 2005 IN
R.S.A.NO. 288 OF 2005

Dated this the 10th day of December, 2007

O R D E R

Service of notice on respondents 1 and 2 was not complete. The case was posted before the Registrar (Judicial) on 28.9.2007, 9.10.2007, 16.10.2007 and 23.10.2007 in the defect list. There was no representation on these dates on behalf of the petitioners/appellants. Today when the case is posted in the defect list, there is no representation for the appellants, though the case was called twice. Therefore, this application for condonation of 64 days' delay in filing the appeal is dismissed for default.

(K.T.SANKARAN)
Judge

ahz/

K.T.SANKARAN, J.

R.S.A.NO. 288 OF 2005

Dated this the 10th day of December, 2007

JUDGMENT

Consequent to the dismissal of the application for condonation of delay in filing the appeal, the Regular Second Appeal is also dismissed for default.

(K.T.SANKARAN)
Judge

ahz/